IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 1247 (MS) OF 2001

(Old No. 39726/2000)

1. Smt. Shamima Khatoon,
   Wife of Mohd. Yunus Ansari,
   R/o Village: Mustafabad,
   Post Dhanpura, District-Haridwar.
2. Ajay Dheeman, S/o Roop Chand,
   Dheeman, Mohalla: Ladowali Kankhal,
   District: Haridwar. .....Petitioner.

Versus

1. State of U.P., through the Secretary,
   (Basic Education), U.P. Lucknow.
2. Rajya Shaikshik Anusandhan Evam Prashikshan Parishad, U.P. Lucknow, through its Director.
3. Principal, Zila Shiksha Evam Prashikshan Sansthan, Roorkee, District: Haridwar.
4. Ch. Charan Singh University, Meerut, through its Registrar. .....Respondents.

Dated: 19.05.2006

Hon'ble Rajesh Tandon, J.

Heard Sri Lok Pal Singh, Advocate for the petitioner and Standing Counsel for the respondents no. 1 to 3.

By the present writ petition, the petitioner has prayed for a writ of certiorari quashing the order dated 03.06.2000 passed by the Director of Rajya Shaishik Anusandhan Evam Prashikshan Parishad, U.P. at Lucknow.

At the time of admission of the writ petition i.e. on 06.09.2000, following order was passed:-

"Sri V.K. Shukla, learned counsel appearing for the petitioner urged that the representation of the petitioners have been rejected by the Director on erroneous grounds that the petitioners were not regular students in the B.Ed. course. He has further drawn my attention to the marksheets issued in favour of the petitioners by the University, a copy whereof has been annexed as annexure 2 to the writ petition, and submitted that both the petitioners were regular students of B.Ed. course at K.L.D.A.V College, Roorkee, District Haridwar. It has also been stated that the petitioners have already completed their classes and training of B.T.C. course but the respondents are not permitting them to appear in the examination on a nonest show.

Learned Standing Counsel appearing for the respondents is allowed four weeks' time to take instruction in the matter and file counter affidavit.

List this case after six weeks.

Considering the submission and looking to the facts of the case, in the meantime, it is provided that if the examination of B.T.C. course is held, the petitioners shall also be permitted to appear in the same provided they have attended the required number of classes and completed the training. However, their results shall be subject to the result of this petition."

The writ petition is disposed of in terms of the aforesaid order provided the petitioners have completed their training and they are already working.

No order as to costs.

(Rajesh Tandon, J.)

19.05.2006

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